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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenneth K. Smith	§	Art Unit:	2133
Serial No.:	09/931,776	§		
Filed:	August 16, 2001	§	Examiner:	Guy J. Lamarre
Title:	DYNAMIC	§		
	VARIABLE-LENGTH	§	Docket No.	10010736-1
	ERROR CORRECTION	§		(HPC.0164US )
	CODE	§		

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF NOTICE OF APPEAL

Dear Sir:

Enclosed herewith is a Notice of Appeal and Petition for One-Month Extension of Time for the above-referenced application.

Because a Reply After Final was submitted by the two-month deadline of August 30, 2004, the period for reply to the final Office Action dated June 29, 2004 expired upon the mailing of the advisory action, which occurred on October 29, 2004. *See* M.P.E.P. § 714.13. Therefore, a petition for a one-month extension of time is required. The Commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 08-2025 (10010736-1).

Respectfully submitted,

Date: Nov, 16, 2004

*[Signature]*  
\_\_\_\_\_  
Dan C. Hu  
Registration No. 40,025  
TROP, PRUNER & HU, P.C.  
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(713) 468-8880 [Phone]  
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Date of Deposit: <u>November 16, 2004</u>
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as <b>first class mail</b> with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.
<i>[Signature]</i> Ginger Yount

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kenneth K. Smith

Confirmation No.: 3658

Application No.: 09/931,776

Examiner: Guy J. Lamarre

Filing Date: 08-16-2001

Group Art Unit: 2133

Title: Dynamic Variable-Length Error Correction Code

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 06-29-2004, rejecting the following claims 1-11, 13, 14 and 16-29.  
The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$340.00.

**(complete (a) or (b) as applicable)**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(X) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

(X) one month	\$110.00	
( ) two months	\$430.00	11/22/2004 AWONDAF1 00000085 082025 09931776
( ) three months	\$980.00	01 FC:1401 340.00 DA
( ) four months	\$1530.00	02 FC:1251 110.00 DA

( ) The extension fee has already been filed in this application.

( ) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$450.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: 11-16-2004  
OR

( ) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number \_\_\_\_\_ on \_\_\_\_\_

Number of pages:

Typed Name: Ginger Yount

Signature: Ginger Yount

Respectfully submitted,

Kenneth K. Smith

By Dan C. Hu

Dan C. Hu

Attorney/Agent for Applicant(s)

Reg. No. **40,025**

Date: **11-16-2004**

Telephone No.: **(713) 468-8880**